

MASSACHUSETTS RULES OF CIVIL PROCEDURE

RULE 33. INTERROGATORIES TO PARTIES

Reporter's Notes--2009

Amendments to Rule 55(b) effective March 1, 2008 eliminated differing default provisions for the Superior Court and the District Court and resulted in changes to the numbering of some of the subparagraphs of Rule 55(b). The March 2008 amendments were part of a group of amendments to the Massachusetts Rules of Civil Procedure in light of the adoption of the statewide one-trial system for civil cases.

The 2009 amendment to Rule 33(a)(6) corrects an oversight in the March 2008 amendments by correcting the cross-references to Rule 55(b) that are found in Rule 33(a)(6).

RULE 41. DISMISSAL OF ACTIONS

Reporter's Notes--2009

An amendment to Rule 12(b), effective March 1, 2008 added a new numbered defense, 12(b)(10), dismissal for improper amount of damages in the Superior Court as set forth in G.L. c. 212, § 3 or in the District Court as set forth in G.L. c. 218, § 19.

The 2009 amendment to Rule 41(b)(3) makes clear that such a dismissal does not operate as an adjudication upon the merits unless the court orders otherwise.

RULE 77. COURTS AND CLERKS

Reporter's Notes--2009

Amendments to Rule 52(c) effective March 1, 2008 require findings of fact and rulings of law in jury-waived cases in the District Court if a party timely submits proposed findings and rulings. The March 2008 amendments were part of a group of amendments to the Massachusetts Rules of Civil Procedure in light of the adoption of the statewide one-trial system for civil cases. These amendments also deleted Rule 64A, which provided that a party seeking rulings of law in jury-waived cases in the District Court must submit to the court Requests for Rulings of Law.

In light of the elimination of the procedure involving Requests for Rulings of Law, the 2009 amendment deleted the following sentence from Rule 77(d): "In the District Court, such notice shall indicate the court's ruling on any requests for rulings which may have been made." The deletion of this sentence is not intended to change the existing practice by which the clerk sends to the parties or counsel a copy of the court's findings and rulings.